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[The President]

(iv) *Sub-clause (2) shall be recast as follows:—*

‘(2) Sub-section (3) shall be renumbered (5) and the following shall be inserted as sub-sections (3) and (4), namely:—

“(3) The estate or estates or part or parts of an estate or estates obtained in exchange for or acquired with the proceeds of the sale of an impartible estate or any part or parts thereof under clause (c) of sub-section (2) shall, for all the purposes of this Act, be deemed to be an impartible estate or to form part or parts of the impartible estate, as the case may be.

(4) The Local Government may make rules for regulating the grant of certificates under the proviso to clause (c) of sub-section (2) and generally for carrying out the purposes of of the said clause ”,’

The amendment was carried.

The hon. Sir ARCHIBALD CAMPBELL:—“ Sir, I beg to move that the further consideration of this Bill be adjourned till Monday morning.”

Mr. K. R. VENKATARAMA AYYAR:—“ I second it.”

The motion was put and carried.

IV.—RESOLUTIONS ON MATTERS OF GENERAL PUBLIC INTEREST.

ENFORCEMENT OF COMMUNAL GOVERNMENT ORDER IN THE LOCAL BODIES IN THE PRESIDENCY.

* The hon. the PRESIDENT:—“ The following resolution with the amendments moved already—on the agenda paper—by Messrs. Muniswami Pillai and Sreshta was under consideration on the last non-official day, i.e., on the 11th November 1933:—

‘ This Council recommends to the Government to take early steps to enforce the communal Government Order in the local bodies in the Presidency.’

“ Mr. Muniswami Pillai’s amendment is to *substitute* the word ‘immediate’ for the word ‘early’ and Mr. Sreshta’s amendment is to *insert* the words ‘the principle underlying’ after the word ‘enforce.’

“ The resolution along with the amendments are for the consideration of the House.”

* Mr. M. DEVADASAN:—“ Sir, I support the principal motion moved by my hon. Friend, Mr. Ahmed Miran Sahib, and the amendments moved by hon. Friends, Messrs. Muniswami Pillai and Sreshta. From the point of view of the Depressed Classes, I support the main resolution as amended. Before saying anything upon the necessity of introducing the principle underlying the Government Order enforcing communal rotation, I wish to place a few facts before this hon. House. I want to give a few instances which would show to the House that

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the enforcing of the principle of the communal rotation in service is absolutely necessary. I have got some experience as a municipal councillor. The municipalities do not take any member of Depressed Classes at all in a municipal office. In the panchayat boards also, none of the members of the Depressed Classes are employed. If Depressed Classes are employed by any panchayat board or municipality, they are employed not as clerks, not as sanitary inspectors or managers but as menial servants. They are employed more liberally as scavengers and others. Chairmen of municipalities, presidents of taluk boards and panchayat boards never care to take into consideration the applications of several Depressed Classes members and Christians for employment. Favourable consideration is given to the applications of relations of members of the panchayat boards, of presidents of local boards and of chairmen of municipal councils. The applications of other people are rejected. Applicants do not get even endorsements about the refusal of their applications.

“ I wish to make some remarks about the plight of the Depressed Classes and Christians in the service of the local bodies. A man who had rendered service in the war and who was qualified as a first-class sanitary inspector was appointed as such by the Corporation of Madras. According to the Government Orders issued by the Government the man who had seen military service to his credit must have preference over other men. This man had been in the military service for about eight years. When the permanent incumbent was reinstated in office, this man had to be sent away. Then this sanitary inspector applied to all the 81 municipalities in the Presidency for some appointment or other and his application was not cared for, the reason being that he is a helpless Christian not backed by any member of his community or a godfather. My hon. Friends, Messrs. Pannirselvam and Daniel Thomas know the applicant. I must say that the claims of the Depressed Classes, of Christians or other minorities are not given proper consideration. On one occasion I had to go to the president of a taluk board and ask him to appoint a member of the Depressed Classes as a vaccinator. He said that he would give the first chance to the applicant. But he did not appoint him at all. By first chance he probably meant no chance. He has to go to other places in search of employment. If at all he is appointed, he is ousted in no time. I had to take up the case of a doctor who has passed the L.M.P. examination and we were able to secure him a post with very great difficulty in one of the rural dispensaries. He was posted to a particular place. A member of the taluk board objected to his being appointed because he thought that he would pollute the people when he administered medicine. So he was not posted to that place. He was later on sent to a less objectionable place as a doctor. There is always difficulty in securing appointments for the members of the Depressed Classes as vaccinators. I had to talk to an educated gentleman, a member of the Bar, on this matter. To my surprise, he had expressed the idea that, if vaccinators were appointed from among the Depressed Classes, people might object to their being vaccinated by them on the ground that they

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would be polluted. That is the way in which members of the Depressed Classes and Christians are treated in the mufassal. I need not say anything more. My hon. Friend, Mr. Moses, I understand, has introduced a Bill for enforcing communal rotation in the service of local boards. It is not comprehensive. Safeguards have also to be provided for in the matter of recruiting Depressed Classes and other menials for service in municipalities and Corporation of Madras.

“ Recently the hon. the Chief Minister introduced his Bill for the abolition of taluk boards. He has given us to understand that he would make provision for the appointment of commissioners who would consider the claims of all classes of people in local board service. There is much discontent and dissatisfaction about the treatment being meted out to members of the Depressed Classes by presidents of taluk and district boards and chairmen of municipalities. It may be argued that it may not be possible to give effect to communal rotation with regard to the service of taluk boards. I would suggest that, as far as practicable, communal rotation must be given effect to. The principle has been accepted by the Government wholesale. I do not therefore see any reason why the same principle should not be accepted with regard to service in local bodies. The Government have been very considerate and benevolent in the matter of treating the Depressed Classes. But the local bodies have not cared to concede the claims of the Depressed Classes and Christians in the same way as the Government have done. If the Government think that communal rotation should be given effect to in the matter of recruiting men in Government service, then it must be made equally applicable to service in local bodies. With these words I support the resolution.”

* Mr. R. M. PALAT:—“ Sir, I wish to oppose this resolution to introduce communal representation. We have had too much of this communal representation question in this Council. The local bodies are elected on a much wider franchise than the Legislative Council, and most of them have, at least the Malabar District Board, has decided not to have this communal representation in the matter of appointments, etc. My predecessor has said that a lot of injustice has been done to certain communities; but he has given no figures to back up what he said. So far as I know, as president of the Malabar District Board, there is no complaint whatever that the claims of any community have been overlooked in my district. It is a negation of all popular rule to interfere with the internal affairs of the local bodies. Just as this Council expects the Government not to interfere with its internal administration, so also the local bodies expect that this Council, most of whose members are elected on a purely communal basis, and on a far more restricted franchise will not interfere with the affairs of local bodies which are not elected on such communal basis, on the same analogy of the British Parliament which is elected on a common basis. (Mr. Pannirselvam: ‘ There are no communities there.’) There are different religions, e.g., Roman Catholics, Protestants, etc., there just as there are different religions here. They all fight against each

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other, as much, if not more than the religions do in India. They are fighting there more than the Hindus and Muhamnadans do here in India and Mr. Pannirselvam knows it quite well. There are different communities in England, and the Parliament is elected on a non-communal basis; and still the Parliament does not think it fit to impose its method of non-communal election even on this Council. Similarly, Sir, this Council which is elected on a communal basis ought not to impose its will on the local bodies by laying down the principles which should be observed by them. If the Government are of opinion that the communal principle should be extended to the local bodies, I should say that the Government should also meet the extra expenditure thus imposed on these local bodies from out of Government funds, for persons thus appointed would be able to do but indifferent work and would in effect be but pensioners. We speaking on behalf of local bodies should not have people thrust on us. Each district board should be allowed to decide if it would accept communal representation and no general law should be laid down. We do not want to appoint any man simply because he belongs to a particular community although he may be unfit, and although we have infinitely better qualified people belonging to other communities. If the Government think we must do it, I request them to pay for such expenditure from out of their funds. We have after all to get the people who certainly can do the work and are fit to do it. The object of this resolution is: keep back the efficiency of the boards to that of the most backward community in the district."

* Rao Bahadur A. T. PANNIRSELVAM:—"Mr. President, I had no idea of interfering in this debate; and if I do so now, it is only because of the surprising speech of my Friend, the President of District Board of Malabar. He seems to have misunderstood the whole principle underlying this resolution. The resolution does not purport to advocate the cause of a man, qualified or unqualified, because of the particular community to which he belongs. In fact, the principle underlying communal representation in the various branches is this: that every community, if only you will take the trouble, can produce the men for the various kinds of work which are turned out in the various departments. All that this resolution seeks to advocate is this: if for a particular place you find two or three men with the necessary qualifications, give preference to the man who comes from that community which is not already adequately represented. That is the principle. My Friend's pleading for Government subsidizing the local bodies in order to enable him to give effect to communal representation seems therefore to be absolutely of no force. That at this hour my Friend, Mr. Palat, should have thought fit to question the justice of the principle of communal representation is, to say the least of it, surprising. If fifteen years ago when the Justice Party under the leadership of Dr. Nayar and Sir P. Theagaraya Chettiyar advocated the justice of this principle and when there were criticisms from all quarters, if this argument had been advanced, there might have been people to pat Mr. Palat on his back and say 'Here is a great

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nationalist.' But to-day, the justice of that claim has been accepted by everybody, not excluding my nationalist friends there. It has been accepted by the Government and for the past few years it has been worked in the various Government departments."

Mr. R. M. PALAT:—"On a point of personal explanation, it does not mean that I am not a nationalist; and it is not a question whether one is a nationalist or not. I only advocated the principle of appointments according to qualifications."

Rao Bahadur A. T. PANNIRSELVAM:—"I am glad, Sir, that Mr. Palat is to-day the President of the District Board of Malabar. I have been myself president of a district board for six years and during that time, it was a principle with me not to enforce communal representation in the various services under the district board; and I can say that I did not find the least difficulty in filling the posts with proper men, men qualified to discharge the work and with men who are even to-day discharging their work to the satisfaction of the public. And if my Friend, Mr. Palat, is having a different experience, I can only sympathize with him. But in doing so, I will only remind him of the number of L.T. teachers in the various board schools under the control of the Malabar District Board. Out of the total number of L.T. teachers, he has got in his district board, it might be that the depressed classes might not be able to produce a sufficient number of trained graduates; but I believe, Sir, the case is not the same in regard to my own community, the Indian Christian community. If the Indian Christian community is backward in every other sphere, at least in the field of education, it is far ahead of any other community. May I ask Mr. Palat to tell me how many Indian Christian teachers he has got in the district board schools? Is it anything more than one permanent and one acting man in a whole host of Brahman and Nayar teachers in the Malabar District Board?"

Mr. R. M. PALAT:—"A personal explanation, Sir. As regards the number of Indian Christian teachers in the Malabar District Board, it is not one; I think there are four or five of them. Their number is more than what their population warrants."

Rao Bahadur A. T. PANNIRSELVAM:—"I am glad, Sir, that my Friend, Mr. Palat, has given effect to the principle of communal representation as far as my community is concerned, in the Education department. I only ask that the excellent example Mr. Palat has set in regard to Indian Christians the Government should be prepared to accept and enforce so far as the other district boards and other local bodies are concerned. As far as the principle of introducing communal representation is concerned, I should have really thought that with the Justice Party once again in power, there would be absolutely no necessity for pressing on the Government the justice underlying this resolution. But at the same time, one or two recent instances have led me to think that a resolution of this sort is not altogether out of place. I speak subject to correction and I hope my information is wrong. But I have been told, Sir, that orders have been issued by the Government recently to certain municipalities and local bodies to

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the effect that the principle of communal rotation in the matter of recruitment to services is applicable only to the Government departments and that local bodies or municipalities who thought of enforcing it would be going beyond their powers if they did so. (An hon. Member: 'Is it so?') At least, that is what I was told. It was a communication sent to the Tuticorin Municipality when it claimed to fill a particular post on the principle of the communal representation. If that was true, I think, Sir, that a resolution of this sort does not come out of its way. It is time that we are told by the Government that this principle of communal representation which has been accepted and found good enough for the Government services ought also to be good enough for local boards."

* The hon. the RAJA OF BOBBILI:—"May I explain the position, Sir? Recently several cases came to the notice of the Government where certain local boards have sought to frame rules enforcing this communal Government Order. Certain objections have been also taken. In this connexion, Government took legal opinion and the local bodies were advised that under the Local Boards Act, as it now stands, it was beyond the powers of local bodies to frame rules on the lines of the communal Government Order. It does not mean that Government are against the principle being introduced in the local boards."

* Rao Bahadur A. T. PANNIRSELVAM:—"I am glad, Sir, that the Government Order has been based purely on a technical question; but framing rules which would have the force of law is absolutely different from framing rules for the guidance of local bodies. I remember, Sir, that so far back as ten years ago, in 1924, the District Board of Tanjore passed a resolution recommending to me the principle of giving equal representation to all communities. That was a resolution which was published, and to which the Government of the day did not demur. A local body might or might not have the power to frame rules which will have the force of law; but I do certainly feel that if any local body is so minded as to frame a rule for its own guidance, to be applied as far as circumstances would permit, the Government should not by any means interfere. If the Government are not even going to accept a resolution such as the one that has now been placed before the House, they should at least take this lesson that, if any local body, whether a district board or a municipality, or for the matter of that, a taluk board, if taluk boards are going to exist, says that for the sake of their own convenience, or if the majority of local boards think, that the principle of communal justice should be applied to the services under them, the Government should not stand in their way."

* Diwan Bahadur B. MUNISWAMI NAYUDU:—"I am glad, Sir, to support this motion on more than one ground. I think, Sir, it is too late in the day to say that in the matter of filling up appointments in the public services, whether under the Government or under local bodies or others, we should not fill them in a manner, that would satisfy all communities, provided as my hon. Friend, Mr. Pannirselvam, stated, that efficient and qualified candidates were available

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for those posts. But I believe, Sir, there is something behind the opposition of Mr. Palat in the matter. As president of a district board, no doubt, he does not want his own powers or influence to be curtailed, as to the persons whom he may select for appointment."

Mr. R. M. PALAT:—"On a point of personal explanation, Sir. It is entirely wrong to say so; there is no motive behind the suggestion which can be attributed to me."

Diwan Bahadur B. MUNISWAMI NAYUDU:—"Well, Sir, I may be wrong so far as he is concerned. But, at the same time if you mean to apply this principle, one has to be careful how this has to be applied. Merely laying down a principle saying that a certain community should be appointed provided suitable candidates are available, is not enough, because that is again likely to be abused when the appointing authority is not qualified to select such men. If you want to take away this thing and ensure the recruitment of efficient and competent persons, we ought to see that the power of recruitment is in the hands of a body of persons who are competent for the purpose and who could discharge their duties in a disinterested manner and select the best persons possible. Then the district boards should be asked to select only such men from out of the list of persons recommended by such a tribunal, as and when vacancies arise. I therefore think that, while accepting this proposition, Government will consider the possibility of appointing for each district or a group of districts a body who would be entrusted with the duty of inviting applications and selecting men with the necessary qualifications and having a list prepared of competent men, so that from out of that list appointments may be made. If such a thing is not going to be done, I think the present system is as good and may continue as it does at the present moment. On the other hand, I am sure that this proposal of mine could not be objected to by, at any rate, the members of the Brahman community, because, barring one, all the presidents of all the district boards are non-Brahmans. The time has therefore come, not to protect the non-Brahman against the Brahman, but to protect the interests of various communities among the non-Brahmans themselves from being unfairly dealt with in the matter of appointments. 3-15 P.M.

"Then, Sir, the Government have taken up the question of amending the Local Boards Act. The hon. the Chief Minister has explained that the Government were advised as a matter of legal opinion that the district boards could not lay down rules to the extent contemplated in this resolution. I say, it will be up to them to take power under the new amending Act and lay down some salutary principle that in the matter of recruitment of persons to these local bodies the claims of various communities are given proper consideration. I proceed further, that when such powers are taken, Government will consider the possibility of appointing persons from among the list prepared by the body to which I have referred.

"Now, Sir, I have one more observation to make and that is this. Recently, questions have been raised as to the filling up of vacancies of district panchayat officers by the Local Government. What happened

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was, the Local Government have taken the power to appoint persons as district panchayat officers and others. Now, so far as the health officers and engineers are concerned, they are provincial officers in the sense that a part of their salary is met by the Government and those persons therefore are selected by the Madras Services Commission and to that extent the Minister for the time being who is in charge of the portfolio has to select, or at any rate, has to recruit persons from out of the list prepared by the Services Commission. But, with regard to the power taken in regard to the appointment of electrical engineers and panchayat officers, a large number of these appointments vest in the Minister for the time being. In the recent selection of these panchayat officers, while all the payment come from the district boards, the selection comes from the hands of the Government. There was absolutely no consultation with the district boards concerned in the matter of the selection of persons, nor was there a guarantee that such appointments were approved by the Services Commission. If the Services Commission Act is defective, it is time enough not merely for the district boards but also for the Minister in charge when he exercises the patronage of appointing persons to local bodies, to see that such persons must have the stamp of some kind of efficiency—efficiency in the sense that applications were invited, that certain qualifications have been laid down and that qualified persons are selected and from that list alone such appointments are made. The recent appointments of panchayat officers has not given that impression. Questions have been asked whether applications were invited and the answer was that the Local Self-Government Department had already 500 applications which came by some door from whom they were selected. I think it will be unfair either for persons aspiring for such posts or even for the department concerned. There must be a proper channel and a separate body for such selection. If I support the motion, it is because the principle is already accepted and could not be gone back, that all communities should have proper representation in the services and consequently in these local bodies there should be proper safeguards in the matter of selection and recruitment and that the best persons should be selected irrespective of the influence they may have either in Government or in local bodies.”

* MR. V. P. NARAYANAN NAMBIYAR:—“ Mr. President, I rise to give my fullest support to the resolution before the House. The resolution but embodies a principle which this Council has already adopted, i.e., that without tampering the standards fixed for different appointments every community should have its due share in the appointments. When day in and day out hon. Members of this House urge upon the Government not to deviate from the principle laid down, it is but just and proper that the same principle is accepted by local bodies too. Otherwise it would be said that when it comes to us to act, we give the go-by to the principles which we so loudly profess. It is because the various communities have not had their right share in the appointments that even the political progress of our country is being hampered. I feel, and feel strongly too, that, in our Province at any rate, communalism

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will give way to nationalism only when the different communities have had their legitimate share in the appointments. Some communities, because of having taken to education at an earlier stage, are at present having a larger representation in the services. While that fact should not engender any feelings of bitterness or vindictiveness, the communities that have been so happily or, perhaps unhappily, placed should also realize that it is high time that, in the larger interests of the country, they stood by for some time. Sir, I give my fullest support to the resolution so that there might not be any misapprehensions about the attitude of Malabar."

* Diwan Bahadur A. APPADURAI PILLAI:—"Mr. President, Sir, I am glad I caught your eye. I wish to associate myself with the remarks that have been made by the previous speakers, Mr. Devadasan and Mr. Pannirselvam. The resolution as worded runs thus:

'This Council recommends to the Government to take early steps to enforce communal Government Order in the local bodies in this Presidency.'

"I may point out that there is no communal order or non-communal order of Government. It evidently means Government Order enforcing communal rotation in the matter of recruitment. This is a principle that has been already accepted with reference to public services. No doubt one should not aspire for appointments merely on the ground of communal principle; that is a ideal that ought to be aimed at in course of time. Unfortunately, in our country and in our Province it so happens that recruitment is based on communal grounds and for obvious reasons communal proportion is sought to be maintained. When that principle is accepted and acted upon with reference to public services, it stands to reason that it should also be made applicable to local board services. If it is not already done, I think it is a defect that has to be remedied, and the sooner it is remedied the better. The resolution only recommends to Government to take early steps to enforce communal rotation. It does not ask for, as represented by some, a preferential claim for a particular community. Nobody asks for a preferential treatment, only communal representation is asked for. What it asks for is, provided other things being equal—for example, if A and B come forward and their qualifications are equal—communal representation may be kept in view in deciding the selection. Nobody asks for any preferential treatment, be they Depressed Classes, be they Christians, Anglo-Indians, Muslims or Hindus. All that is asked for is that the principle of communal rotation that has been in vogue for some time and acted upon by the Services Commission, should be adhered to in the case of the local board services also. I am thankful to my hon. Friend, Diwan Bahadur Muniswami Nayudu, and also to my hon. Friend, Mr. Nambiyar, for their large-heartedness in having supported this resolution *in toto*. Surely, there might come later on a sort of recruitment board for the selection of hands for local bodies, but the question now is, is it or is it not desirable and expedient to introduce the principle of communal rotation in local bodies. The

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answer is undeniably in the affirmative. With these remarks I have very great pleasure, Sir, in supporting the resolution brought forward by my hon. Friend, Mr. Ahmed Meeran Sahib."

Diwan Bahadur C. S. RATNASABHAPATI MUDALIYAR:—"Mr. President, I have got a claim to speak on this resolution, because, I think, it is the municipality of Coimbatore over which I have the good fortune to preside that was the first to pass a resolution saying that in the matter of appointment to the staff—from peons upwards—the principle of communal representation as adumbrated by the Government in their various orders should be given effect to. To add to that, my Council even went further and stated that while giving effect to the principle of communal rotation, they must also give preference to people of the town in particular first and the people of the district next and then only, if qualified men are not available in the district itself, they should go in for candidates from other districts. I think, Sir, that such a sort of resolution is very wholesome and very helpful not only to the chairman but also to the councillors and even to the commissioners, for no motive can be attributed when making appointments. In the absence of such rules, the chairman and the commissioner will be in a bad predicament. There will be a number of people recommended for every appointment and if this principle is adopted, we can easily say that there is a resolution of the Council by which only appointments have to be made. By so doing, I do not think qualifications will be neglected. That is the reason why this resolution is moved to the effect that communal representation, as passed by the Government Order, should be applied to the local bodies also. I am not sure whether any Government Order was issued at all with regard to the competency of a municipal council or a local body passing a resolution for adopting the principle of communal representation. If I remember aright, a Government Order was received by the municipal councils and local boards to the effect that if promotions are made from the ranks of people getting lower scales of pay, such order was considered to be illegal. I think that was the purport of the Government Order. Government records also may be verified if necessary whether I am not correct. But, as long as there is no statutory prohibition with regard to the appointment of people on communal rotation principle, I do not think local bodies can be prohibited by any Government Order from adhering to that Government Order. As the provisions of the Act now stand, Councils have got power to appoint persons and in so appointing, they are quite at liberty to frame a rule to the effect that they could appoint persons only according to such a rotation. I do not think that any legal opinion can be held that the Council is not competent to give effect to the principle of communal representation. I am sorry that the opposition should have come from Mr. Palat of all people. There is already a charge that according to the communal principle, the non-Brahmans have not been benefited, but mostly the people of Malabar have been benefited by it. With due deference to the hon. Member I may say this, that if the opposition had come from anybody else. I think it would have been better."

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MR. SAMI VENKATACHALAM CHETTI:—" I shall be very brief. It is rather curious that our hon. Friend from Malabar should have taken any objection to the resolution moved by my Friend, Mr. Devadasan, on the ground that the communal Government Order ought not to be made applicable so far as the district boards and municipalities are concerned. Apart from that, so far as the principle involved in the resolution is concerned, I do not think anybody can take any possible objection. It has not only been accepted by the Government, but the settlement of that question has given a quietus to the undesirable agitation that has been going on in the country with regard to the manning of services. Therefore, it is wrong not to encourage the same principle so long as it is adopted by Government. But my difficulty in voting for the motion is this. It is not primarily the concern of the Local Government, to interfere in the right of appointment of local bodies. I do not think any district board president or any chairman of the municipality would like the interference of Government in the matter of appointing persons of different communities in derogation of the powers vested in him. It will be perfectly within the powers of the members of this Council to move their respective bodies for the purpose of laying down rules for the recruitment of persons in the manner they would like to have. I will rather object to the interference of the Local Government when they tell the local bodies that they should be guided by such and such a principle in the matter of appointment. It is not as if these communities have no proper means of representing their grievances in the representation of local bodies to make them come up to the local councils. There are communities other than the communities which are more than adequately represented in the local bodies, which have not sufficient voice or sufficient strength in order to induce the appointing authorities to appoint persons belonging to different communities so that adequate representation might be ensured. On that ground, I do not like to vote for the proposition now before the Council. If the local bodies make up their minds, it is easy to give effect to such a resolution in its own local area. But, in the case of Depressed Classes, there is a handicap unlike Christians and other communities. The number of members may be too small to induce other communities to agree with them. But I do not think the wording of the resolution contemplates exclusive appointment for these classes or any particular backward class. The resolution speaks only of communal Government Order which refers to all communities. Hon. Members may depend upon the support in the local bodies, and in this connexion I would rather hesitate to give an unqualified support to the Public Services Commission in the matter. I am afraid we are having rather too much of Public Services Commission. The history or the actions of that Public Services Commission will perhaps come up for discussion, Sir, early before the Council and then we may have to hear much about it. So that we cannot easily fall into the idea, however excellent it may be. We have been driven from pillar to post and from post to pillar, on account of the capricious act of Government. Government at one time say we have communal representation. At another time, they

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say 'why should we go in for advertisements for posts. Let the applications come from whatever door. We will select those whom we like.' It is such capricious acts taken in regard to public services in regard to prestige and patronage which the Government are unable to use properly. I, therefore, Sir with this reservation would like to say that, while I approve the principle involved, I cannot give my vote in support of it on the ground that it is not a matter of primary concern of the Local Government."

* Mr. C. BASU DEV:—"It is gratifying to note the almost unanimous approval of this Council of the principle of communal representation. If I now stand, it is not to lend further support to it. But, Sir, I would like to express the fears of the backward communities, who are classed with the advanced, influential, non-Brahman communities described by the compendious term 'non-Brahman.' I am very thankful to Diwan Bahadur B. Muniswami Nayudu Garu for having raised this question and told the House that in the matter of communal representation in the services of local bodies, they will have not only to adjust representation between Brahman and non-Brahman but also to adjust the claims of non-Brahmans *inter se*. I think that is the substance of what he said. Sir, the idea of communal representation was hailed with joy by several of those unfortunate communities which at that time did not find proper and adequate representation. Among those communities were the backward Hindu communities also who expected that the destruction of the monopoly of a certain section of the population would result in the proper justice done to their communities as well. But, unfortunately, their hopes have not been fulfilled even to a modest extent. The monopolists of fifteen years ago were sent out and another set of monopolists came into existence and are now dominating the whole of the services. Only the other day, certain members of the backward Hindu communities had the privilege of waiting on the hon. Sir Archibald Campbell to press before him the need for revising the communal Government Order and provide for their special consideration. My object in standing before this House is to impress upon the Government the necessity for giving special consideration for the backward Hindu communities. Sir, Mr. Sami Venkatachalam Chetti in his speech has just now told us that he is not able to give this resolution his unqualified support because he thought that it would be interfering with the prestige and patronage, that is now left with the authorities of the local body. I hope, that the local bodies would be better managed if the Government takes upon itself the responsibility of giving the right lead in the matter. I think it would be impossible to apply communal representation to individual local boards unless a provincial cadre is constituted. I therefore urge on the Government in supporting this resolution the need for creating a provincial service for local bodies and municipal employees. With these words, Sir, I support the resolution."

* The hon. the RAJA OF BOBBILI:—"Sir, I have heard the speeches made on this resolution on the last occasion as well as to-day. I find from the opinion expressed on all sides there is very little for me to say

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on the matter. It is needless for me to say that it is a principle which has been already accepted by Government and being followed in the case of Government services. As far as Government are concerned, they have every sympathy with the objects underlying this resolution. At the same time, I have to point out that, in applying these rules to local bodies, the matter will not be so simple as in the case of Government service. There are different local bodies and different qualifications, and in some cases no qualifications are fixed. There are different scales of pay for different posts. The difficulty will be to determine which should be the unit and whether it should be a district board or municipal council or each local body, and whether it is necessary to make the panchayats also as the unit in which case, the whole province will have to be divided into three or four circles and then the communal Government Order may be applied. I do not mean to say that these difficulties are insurmountable. But, I wish to state that, before accepting the resolution, Government will have to consider the matter to find in what form and manner it will be possible to apply this to local bodies. In this connexion, Sir, I have heard the speeches made, I believe, on the last occasion, and one of them was by Mr. Sreshta who said that a separate communal rotation should be fixed for each district. Some Members have urged that it is desirable to fix separate quotas for certain municipalities and areas. I am afraid it will be going too far when we seek to fix these ratios for each particular locality and proceed on the basis of population."

* Mr. M. S. SRESHTA:—"On a point of personal explanation, Sir. What I wanted to say was if the resolution stood as it did and the Government order was observed, it will be inelastic. Therefore, the principle of communal Government Order should be applied to all bodies. If the hon. Member reads my speech, he will notice that I have stressed that the rule must be elastic as the conditions in each district varied. The communal Government Order was not elastic and I wanted it to be more elastic."

* The hon. the RAJA OF BOBBILI:—"Sir, I am not very much enlightened by the explanation given by the hon. Member. I may here read out an extract from the hon. Member's speech: 3.45 p.m.

'I am moving this amendment for the purpose of making it more clear that if a proper ratio is observed in all local bodies in the matter of communal representation, there will be no difficulty. As it is, however, it is not found to be adequate in the case of certain local bodies. For instance, in Kurnool the Muslims who form 50 per cent of the population have been given the usual 33 per cent representation. It would be inadequate for them.'

"From this I understood that the hon. Member meant that there should be separate ratios fixed for particular areas. As regards the question raised by my hon. Friend, Mr. Pannirselvam, I am afraid he has not made matters clear by the explanation. Recently one or two cases occurred in which the local bodies attempted to apply the communal rotation and there were some differences. Government were then consulted in the matter. It was the duty of the Government to explain the present legal position. The Government have no objection to the application of the communal Government Order. As I said before,

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Government are advised that, as under the District Municipalities Act, certain authorities are fixed for making the appointments—in certain cases the councils themselves and in certain other cases the commissioners—it would be contrary to the Act for the Government to frame rules restricting the power of appointment of those concerned. Government are therefore advised that, if they desired to give effect to this principle, a suitable amending Act is necessary. That is why we have given that opinion to the local bodies concerned. We do not object to the application of the communal Government Order at all.”

Mr. SAMI VENKATACHALAM CHETTI:—“ May I know if the prescription of qualifications amongst which is included the adequate representation of certain communities will be considered illegal? ”

* The hon. the RAJA OF BOBBILI:—“ That is the opinion given by the legal advisers of Government.

“ As regards the other points raised, there are two possible ways of giving effect to this resolution. One is by suitably amending the rules to enable Government to take power to frame rules to apply the communal Government Order to all local bodies in this Presidency and the other is to amend the Local Boards Act and the District Municipalities Act giving power to each local body to frame its own rules. Of course the object of pointing out these alternatives is to show that these points will be considered by the Government and to assure the House that the Government will give effect to the considered opinion of this House in the manner which they think most suitable.

“ Before I resume my seat I desire to say a few words about the remarks of my hon. Friend, Mr. Muniswami Nayudu, on the question of the recent recruitment of panchayat officers. As I have already informed the House at question time on more than one occasion, the public Services Commission is constituted only to deal with provincial and subordinate services. In the absence of any other suitable body available for making the selections, Government felt that the Inspector of Municipal Councils and Local Boards was the most competent authority for the purpose and so the selection was placed in his hands.

“ The hon. Member's other suggestion was about constituting a special body for recruitment of the staff for the local bodies. I am not sure whether public opinion in this Province will favour such a proposal. Government do not propose to act in advance of public opinion in the matter. Of course, if local bodies and the public are desirous that such a proposal should be given effect to, then the Government will consider the matter. With these words I accept the motion.”

Mr. BASHEER AHMED SAYEED:—“ May I ask, Sir, whether in the appointment of panchayat officers, sufficient justice was done to the Muslim community by the hon. Minister? ”

The amendment to substitute the word ‘ immediate ’ for the word ‘ early ’ was then put and carried.

The amendment to insert the words ‘ the principle underlying ’ after the word ‘ enforce ’ was put and carried.

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The resolution, as amended, was then put and carried.

Mr. V. T. ARASU:—"Sir, I move—"

'that the consideration of all the items in agenda do stand over until item 9 is disposed of.'

Mr. BASHEER AHMED SAYEED:—"I second it."

Mr. M. S. SRESHTA:—"I oppose the motion, Sir."

Mr. ABDUL HAMEED KHAN:—"I am afraid this is a motion which has been conceived in haste."

Mr. V. T. ARASU:—"I believe under the Standing Orders no discussion is permitted on such a motion."

* The hon. the PRESIDENT:—"I thought the hon. Member was going to explain something. I shall now put the motion to vote of the House. The question is that the consideration of the other items be held over until item 9 is disposed of."

The motion was declared lost.

Mr. V. T. ARASU demanded a poll and the House divided thus:

Ayes.

1 Mr. V. M. Ramaswami Mudaliyar.	18 Mr. K. S. Sivasubrahmanya Ayyar.
2 " T. Narasa Reddi.	19 " P. Peddi Raju.
3 Rao Sahib V. I. Muniswami Pillai.	20 " Ahmed Miran.
4 Rao Bahadur R. Srinivasan.	21 Diwan Bahadur B. Muniswami
5 Swami A. S. Sahajanandam.	Nayudu.
6 Mr. Yakub Hasan.	22 Mr. K. P. Raman Menon.
7 " K. R. Venkataarama Ayyar.	23 Diwan Bahadur C. S. Ratnasabha-
8 " Sami Venkatachalam Chetti.	pati Mudaliyar.
9 " A. Pl. N. V. Nadimuthu Pillai.	24 Mr. P. V. Krishnayya Choudari.
10 " V. T. Arasu.	25 Zamindar of Chemudu.
11 " A. B. Shetty.	26 Mr. C. Indrayya.
12 B. Pocker Sahib Bahadur.	27 " J. Kuppuswami.
13 Mr. M. A. Manikkavelu Nayakar.	28 " Mahboob Ali Baig.
14 " Abdul Hameed Khan.	29 " G. R. Premayya.
15 " Basheer Ahmed Sayeed.	30 " K. Pattabhiramayya.
16 " U. C. Subrahmanya Bhatt.	31 Rao Bahadur R. K. Venugopal
17 " K. A. Nachiappa Gounder.	Nayudu.

Noes.

1 The hon. Sir Mahomed Usman.	14 Mr. R. Madanagopal Nayudu.
2 " Diwan Bahadur Sir	15 " E. Conran Smith.
M. Krishnan Nayar.	16 " T. Sundara Rao Nayudu.
3 " Sir Archibald Campbell.	17 Khan Sahib Syed Taj-ud-din Sahib
4 " Sir Hopetoun Stokes.	Bahadur.
5 " Diwan Bahadur S. Kuma-	18 Rao Bahadur A. T. Pannirselvam.
raswami Reddiyar.	19 Khan Bahadur Yahya Ali Sahib
6 " Mr. P. T. Rajan.	Bahadur.
7 " the Raja of Bobbili.	20 Mr. M. Devadasan.
8 Mr. G. Jagannatha Raju.	21 Rao Sahib N. Siva Raj.
9 Mrs. K. Alamelumangathayaramma.	22 Subadar-Major S. A. Nanjappa
10 Diwan Bahadur V. N. Viswanatha	Bahadur.
Rao.	23 Mr. B. P. Sesha Reddi.
11 Mr. J. A. Thorne.	24 " P. V. Rajagopal Pillai.
12 " H. M. Hood.	25 " V. G. Vasudeva Pillai.
13 Diwan Bahadur N. Gopalswami	26 " P. Bayappa Reddi.
Ayyangar.	27 " P. K. Ramachandra Padayachi.
	28 " G. Lakshmana Reddi.

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Noes—cont.

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| 29 Rao Sahib V. Dharmalingam Pillai. | 42 Rao Bahadur Sir A. P. Patro. |
| 30 Zamindar of Mirzapuram. | 43 " C. Natesa Mudaliyar. |
| 31 Mr. A. V. Bhanoji Rao. | 44 Diwan Bahadur S. Ellappa Chet- |
| 32 Mr. Daniel Thomas. | tiyar. |
| 33 " H. M. Jagannatham. | 45 Mr. C. Basu Dev. |
| 34 Rao Bahadur D. Krishnamurti. | 46 " R. M. Palat. |
| 35 Zamindar of Kirlampudi. | 47 " W. K. M. Langley. |
| 36 Diwan Bahadur A. Appadurai Pillai. | 48 " R. Foulkes. |
| 37 Rao Sahib D. V. Narasimhaswami. | 49 " G. Simbachalam Pantulu. |
| 38 Mr. A. Harischandrudu Nayudu. | 50 " K. C. M. Venkatachela Reddi- |
| 39 " K. Kesavaramamurti Nayudu. | yar. |
| 40 " A. Ramakrishna Reddi. | 51 " G. Sriramulu. |
| 41 " M. S. Sreshta. | |

Neutral.

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| 1 Khan Bahadur Schamnad Sahib Bahadur. | 2 Mr. V. P. Narayanan Nambiyar. |
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Ayes 31. Noes 51. Neutral 2.

The motion was lost.

Mr. A. M. AHMED MIRAN:—" Mr. President, I do not propose to move the resolution ^a (No. 1 on the agenda) standing in my name."

^a *Preferential treatment for Viswabrahmans in respect of certain concessions.*

A. M. AHMED MEERAN SAHIB Bahadur:—

1 (375) This Council recommends to the Government that the Viswabrahmans of this Presidency should be given preferential treatment, without including the name of their community either in the list of depressed classes or in the list of scheduled castes—

- (i) in respect of direct recruitment to appointments in public services;
- (ii) in respect of age-limit enabling them (a) to appear for the Services Commission examinations till the age of 28 years; and (b) to join public service till the age of 30 years;
- (iii) in respect of educational facilities such as the award of scholarships for technical studies through the Industrial department;
- (iv) in respect of grant of waste lands and house-sites on ordinary darkhast rules; and
- (v) in respect of the extension to this community also of the ameliorative work now being carried on by the Labour department, funds being provided separately, immediately after the finances of the Government improve, till such time as there is perceptible progress in the status of the community; and

that this resolution should be given effect to only in the case of those members of the said community as would express their desire in writing therefor.

Amendment.

Rao Sahib P. SUBRAHMANYAM CHETTI:—

In lines 3 and 4, for the words "without including the name of their community either in the list of depressed classes or in the list of scheduled castes" substitute the words "along with the Vahnikula Kshatriyas, Setti Balijas, Chakalis, Devangis, Nadars, Nambudri Brahmans and other independent communities in the backward communities list of the Hindu fold which deserve such independent treatment, the same privileges as they were pleased to bestow on the so-called depressed classes."

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EXEMPTION OF MUSLIM GIRLS FROM PAYMENT OF FEES IN SECONDARY
ARTS AND TECHNICAL INSTITUTIONS.

Mr. ABDUL HAMEED KHAN:—“ Mr. President, I have great pleasure in moving the motion standing in my name, namely—

‘ this Council recommends to the Government that Muslim girls may be granted exemption from payment of fees in all the secondary, arts and technical institutions in this Presidency until such time as Government would think that the problem of Muslim education is reasonably solved.’

“ Sir, this resolution has been worded very carefully. The demand made in it is that, wherever Muslim girls are seeking education, particularly in colleges, secondary schools and technical institutions, they may be exempted from paying fees. Sir, it is a well-known fact that in the matter of education of the women of this country, they are very backward. If we want to encourage education among them, we should afford them facilities of all kinds so as to attract them to these institutions. From the figures that are given in the Government Report of the Director of Public Instruction you will find that the number of Muslim girls in colleges is very limited. There are not more than two or three in the arts colleges, and even in the secondary schools the number is very limited. The progress of education among Muslim women is very slow. I am not asking the hon. Minister to see that this concession should be meted out even in the case of girls whose parents can afford to pay the school fees. I am not requesting Government to take upon themselves the responsibility of making education free even for those people, whose parents can well afford to spend money on their education. But experience has taught us that the Government Orders in this respect have been so vague and indefinite that the authorities who give effect to these orders manipulate and interpret them in such a way that they defeat the very purpose for which they have been framed. They misinterpret and misuse these orders, because they are unwilling, or rather they do not want the Muslim children should get any scholarship at all. It is because of this fact that I have made this resolution general. If Government can assure us that the Government Orders will be such as will prevent any misuse and that every deserving person will get the concession that is sought for, I have absolutely no objection to any situation, where Government may not exempt persons who can afford to pay their children's school fees. In the matter of secondary education, we know, Sir, that it is on account of poverty that the Muslims in the various districts do not send their children to schools. 4 p.m.

“ Then the other difficulty is *purdah*. Of course, it is no doubt true, that some of my friends may come forward and say, ‘ why confine this concession to one community alone?’ To this I have to say this: there are cases of grown up Muslim girls, who attend schools where *purdah* is compulsory. But since their number is small, Government will not find it possible to make arrangements for their convenience. Thus to make up for this double handicap of poverty to pay school-fees and conveyance charges, I am only trying to meet them half-way by this